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REMARKS

Responsive to the Office Action mailed March 28, 2006, Applicants provide the following. Claims 1, 8, 9, and 10 have been amended and new claims 11 and 12 have been added without adding new matter. Thus, twelve (12) claims remain pending in the application: Claims 1-12. Reconsideration of claims 1-12 in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 541-2800 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §101

1. Claims 9 and 10 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicants respectfully traverse these rejections. The office action suggests that the elements recited in claim 9 and 10 "are reasonably conveyed as being software implemented functional elements" (office action, pg. 2). However, the recited elements in claims 9 and 10 are described in the specification as being implemented through hardware and/or software. For example, in some embodiments the elements are described as being part of the DVD-ROM engine (e.g., see at least pg. 13-14) that can be implemented using a combination of software and hardware (see for example pg. 8-9). Therefore, the claims 9 and 10 are directed to statutory subject matter. Applicants, however, have amended claims 9 and 10 to recite computer program stored on a computer readable medium that is statutory subject matter having practical applications that produce useful, concrete and tangible results (see at least MPEP 2106). As such, the rejections to claims 9 and 10 are rendered moot in view of the amendments, and therefore, claims 9 and 10 are in condition for allowance.

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Claim Rejections - 35 U.S.C. §112

2. Claim 7 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The office action suggests that "there is no clear teaching that the searching step as recited in claim 1 (for a variable) being directly associated with a runtime insertion of a DVD into a device" (office action, pg. 3). The specification as filed, however, provides support for claim 7 and the "searching in response to the insertion of a DVD into a hardware device" as claimed. For example, the specification describes at least for some embodiments that the DVD-ROM engine can be implemented as a run time device (see at least pg. 12, ln. 28 through pg. 13, ln. 16). In some embodiments, the functions of the DVD-ROM engine implemented as a run time application are similar to the functions of the DVD-ROM engine implemented as a "build time" (see at least pg. 13, lns. 9-16). Therefore, the "run time" DVD-ROM engine, similar to the "build time" DVD-ROM engine, can parse Authoring Output and generate a template-based DVD-ROM image by performing the search, and does so at run time upon the insertion of the DVD containing the XML source file into a hardware device. As such, claim 7 is supported in the specification as filed in at least the implementation of the "run time" DVD-ROM engine. Therefore, claim 7 complies with 35 U.S.C. 112, first paragraph, and is in condition for allowance.

Claim Rejections - 35 U.S.C. §102

3. Claims 1-10 stand rejected under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,909,551 (Tahara et al.). Applicants respectfully traverse these rejections as the Tahara patent fails to teach each limitation of claims 1-10. More specifically, amended claim 1 for example recites in part:

generating authoring output comprising a definition for a variable...;
selecting a source file, the source file comprising the variable; and setting
the definition of the variable in the authoring output as the definition for the
variable within the source file;
searching an instance of the source file for the variable, and replacing the
variable with the definition for the variable within that instance of the source file;
generating programmatic content in response to the searching....

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Applicants respectfully submit that Tahara does not teach at least generating programmatic content in response to the searching as recited in amended claim 1 and further fails to recite searching an instance of the source file and replacing the variable with the definition for the variable within that instance of the source file.

Tahara does not teach at least replacing the variable with the definition within the instance of the source file as recited in the amended claim 1. The office action suggests that Tahara describes replacing the variable with its definition stating "that each hyperlinked definition inside a markup source file ... is automatically processed and replaced" (office action, pg. 5). However, when the hyperlinked definition inside the markup file in Tahara is processed, it shifts to an alternate and existing page, and the definition of the variable is not changed within the markup file such that the instance of the markup file contains the definition for the variable (see, Figs. 27 a, 27 b, col. 17, lns. 44-67). Therefore, the Tahara patent does not teach at least replacing the variable with the definition for that variable as claimed and instead only describes shifting from one page to another previously defined page as a result of processing a user selection. Therefore, claim 1 is not anticipated by the Tahara patent, and as such is in condition for allowance.

Further, the office action suggests that "the browser scanning through the hierarchy of the hypertext and resolving its HTML tags ... will read on search[ing] for definition of the hyperlink variable in the source file" (office action, pg. 6) and further suggests that the Tahara patent teaches generating programmatic content in response to said searching since the HTML file 2306 is set for defining external data or other source files (office action, page 6). However, the system described in the Tahara patent does not generate programmatic content, nor does Tahara describe generating HTML data as a result of searching or even the browser scanning through the hierarchy and linking to other already existing data. Instead, as described by Tahara, and stated by the office action, when the markup file is selected by "the user choosing ... a button" (office action, pg. 5) and after the search occurs, the value for the button is used to link to other data for viewing purposes (office action, pg. 5) "which are to be displayed" (office action, page 6 and Tahara, col. 17, lns. 45-52). Therefore, as a result of the selection of the file no new programmatic content is generated, and instead previously defined display data is accessed and displayed (Tahara, col. 17, lns. 45-52). The data in the HTML files remain

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the same after the shift to alternate content has occurred and no programmatic content or new data is generated or written into the HTML or PC data files (Tahara, col. 17, lns. 65-67 and col. 18, lns. 1-27). Further, the HTML file 2306 that the office action attempts to equate to the claimed programmatic content is predefined and stored on the DVD. Therefore, the HTML file 2306 is not generated in response to searching and no changes are made to this HTML file after the user selection causes a transition to the additional content (Tahara, col. 16, lns. 31-47, col. 17, lns. 65-67). As such, the Tahara patent does not teach or suggest at least generating programmatic content in response to the searching as claimed.

Further, the office action suggests that the Tahara patent describes generating programmatic content as a result of searching in that "the end result of the process of searching and replacing of HERF tag from various source data ... yields ... a storable content being generated and pictured in Figure 23" (office action, pg. 9). However, the end result of the process of replacing the HERF tag in the Tahara patent does not generate programmatic content or even data, but instead shifts to already stored data that is displayed (Tahara, Fig. 26, 27a and b; col. 17, lns. 61-64).

Still further, the Tahara patent does not teach replacing the variable as claimed, but instead only describes shifting from one page to another predefined and stored page based on the user selection (Tahara, col. 17, lns. 65-67). The definition of a variable is not changed within either of the pages. Instead, the browser is redirected to a different already stored page based on user selections within a page (Figs. 27a and 27b).

Independent claims 8-10 include claim language similar to that of claim 1. Therefore, the above presented arguments can be applied to claims 8-10, and thus, independent claims 8-10 are also not anticipated by the Tahara patent.

Similarly, claims 2-7 depend from claim 1. Applicants have demonstrated above that claim 1 is not anticipated in view of the Tahara patent. Therefore, claims 2-7 are also not anticipated by the Tahara patent due at least to their dependency on claim 1.

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CONCLUSION

In view of the above amendments and remarks, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited.

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Respectfully submitted,


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